

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : DENYER et al.
Appln. No. : 10/535,597
Conf. No.: : 7255
Filed: : November 20, 2003
Title: : IMPROVED INHALATION METHOD AND APPARATUS
Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 02-91

* * * * *

April 11, 2006

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
(Filing Date Granted)**

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:

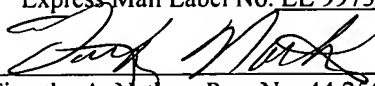
In response to the Notice to File Missing Parts of Application, filing date granted,
dated March 27, 2006, applicant hereby submits the following:

1. An original Combined Declaration and Power of Attorney for Patent Application form signed by inventors Jonathan S.H. Denyer and Ivan R. Prince;
2. A copy of the Notice to File Missing Parts, filing date granted, dated March 27, 2006 (Form PTO-1533); and

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on April 11, 2006 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Express Mail Label No. EL 997383716 US.

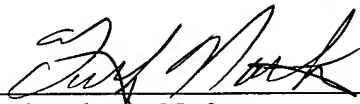

Timothy A. Nathan, Reg. No. 44,236

DENYER et al. -- Appln. No.: 11/535,597

3. A Fee Transmittal Form, submitted in duplicate.

The Commissioner is hereby authorized to charge the surcharge for late filing of Declaration required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

By 
Timothy A. Nathan
Reg. No.: 44,256
Tel. No.: (724) 387-4435
Fax No.: (724) 387-5021

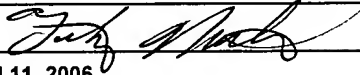
RESPIRONICS INC.
1010 Murry Ridge Lane
Murrysville, PA 15668-8525

Mail Stop Missing Parts TRANSMITTAL FORM <i>(To be used for all correspondence after initial filing)</i>		Application Number	10/535,597
		Filing Date	November 20, 2003
		Confirmation Number	7255
		Inventor(s)	DENYER et al.
		Group Art Unit	Unknown
Express Mail Label No.: EL 997383716 US		Examiner	Unknown
Total Number of Pages in This Submission:	10	Attorney Docket No.	02-91

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <small>(submit in duplicate)</small> <input type="checkbox"/> Fee Attached \$ <input type="text"/> Check No.: <input type="text"/> <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Search report <input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Request for Continued Examination (RCE) <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Other Enclosure(s): _____		

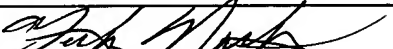
Current Due Date: May 27, 2006

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Timothy A. Nathan, Reg. No. 44,256 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668		
Signature			
Date	April 11, 2006		

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:
 Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: April 11, 2006,
 Express Mail Label No. EL 997383716 US.

Typed Name	Timothy A. Nathan, Reg. No. 44,256		
Signature		Date	April 11, 2006

(Effective 12/08/2004)

TOTAL AMOUNT OF PAYMENT	\$ 130.00
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Attorney Docket No.	02-91
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FEE CALCULATION (continued)

Check (Check No. _____)

(Large Entity Only)

Appln. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid
Utility	300	500	200	
Design	200	100	130	
Plant	200	300	160	
Reissue	300	500	600	
Provisional	200	0	0	

SUBTOTAL (1)	\$ 0.00
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2. CLAIMS

2. CLAIMS			Extra Claims	Fee from Below	Fee Paid
Total Claims	___	- ___ *	___ x	50 =	
Ind. Claims	___	- ___ *	___ x	200 =	
Multiple Dependent Claims add				360 =	

* Enter Highest Number Previous Paid For

Large Fee	Entity (\$)	Small Fee	Entity (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim
1204	200	2204	100	Reissue independent claims over original patent
1205	50	2205	25	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	\$ 0.00
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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 fraction thereof</u>	<u>Fee(\$)</u>	<u>Fee Paid(\$)</u>
_____ -100 = _____	_____ /50 = _____	(round up to a whole number)	X 250 =	0.00

4. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	130.00
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1251	120	2251	60	Extension for response within first month	
1252	450	2252	225	Extension for response within second month	
1253	1,020	2253	510	Extension for response within third month	
1254	1,590	2254	795	Extension for response within fourth month	
1255	2,160	2255	1,080	Extension for response within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive unavoidably abandoned application	
1453	1,500	2453	750	Petition to revive unintentionally abandoned application	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1814	130	2814	65	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1801	790	2801	395	Request for Continued Examination	
1504	300	1504	300	Publication Fee	

Other Fee (specify)

10535597

01 FC:1617

130. (SUB

130. (SUBTOTAL (3))	\$ 130.00
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SUBMITTED BY

50-0558

Certificate of Mailing by "Express Mail"

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"Express Mail" label number

April 11, 2006

Date of Deposit

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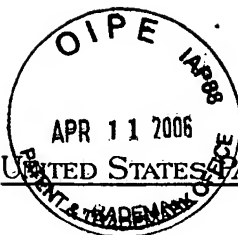
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Signature of person mailing correspondence

Timothy A. Nathan
Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,597	Jonathan S. H. DENYER	02-91

INTERNATIONAL APPLICATION NO.

PCT/GB03/05048

I.A. FILING DATE	PRIORITY DATE
11/20/2003	11/20/2002

30031

MICHAEL W. HAAS, INTELLECTUAL PROPERTY COUNSEL
RESPIRONICS, INC.
1010 MURRY RIDGE LANE
MURRYSVILLE, PA 15668

CONFIRMATION NO. 7255

371 FORMALITIES LETTER



OC000000018374398

Date Mailed: 03/27/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- Preliminary Amendments filed on 05/19/2005
- Information Disclosure Statements filed on 08/22/2005
- Oath or Declaration filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,597	PCT/GB03/05048	02-91

FORM PCT/DO/EO/905 (371 Formalities Notice)